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October 14, 2021

BY ECF

Honorable Katharine H. Parker
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

APPLICATION GRANTED

Katharine H. Parker

Hon. Katharine H. Parker, U.S.M.J.

10/15/2021

Re: *J.L., et al. v. NYC Dep't of Education, et ano.*,
No. 17-CV-7150 (WHP) (KHP)

Your Honor:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York assigned to represent Defendants New York City Department of Education (DOE) and Chancellor Meisha Porter in the above-referenced matter, in which Plaintiffs allege that their rights were violated due to alleged systemic delays in providing their children coordinated nursing, transportation, and porter services.

I write to respectfully request: (1) an adjournment of the case management conference currently scheduled for October 26, 2021, at 3:00 p.m., until the following week on November 4, 2021, at 12:00 p.m., at which date and time the Court already has scheduled the next case management conference in this matter; (2) a one-week extension of time, from October 14, 2021 until October 21, 2021, for Defendants to file their opposition letter to Plaintiffs' letter dated September 9, 2021 (Dkt. No. 179), wherein Plaintiffs seek to compel the production of a sample of documents withheld by Defendants under various privileges; and (3) a corresponding extension of time, from October 19, 2021 until October 26, 2021, for Plaintiffs to file their reply letter.

There are several reasons for the requested adjournment and extension of time. First, on the date of the case management conference, October 26, 2021, I will be on trial in the Southern District of New York in another matter and, therefore, unable to attend the conference. As to the extension of time for Defendants' opposition letter, although on October 7, 2021,

Defendants produced to the Court for *in camera* review the documents at issue in Plaintiffs' motion to compel, on that date, I inadvertently saved over my finalized draft of Defendants' substantive opposition letter and lost all of my work. And today, I learned that my office's IT Department was unable to retrieve the prior version of the file containing all my work. Accordingly, I have to redraft Defendants' opposition letter from scratch, while simultaneously preparing for trial in the other matter, including the drafting and filing of pretrial submissions, which are due this week. The enlargement of time, therefore, will enable me to redraft Defendants' opposition letter, file it with the Court, and attend the case management conference that is already scheduled in this matter the week following my trial, on November 4, 2021, at 12:00 p.m.

This is the first request to adjourn the conference and the second request for such an extension of time. Counsel for Plaintiffs does not consent to the request for an extension of time on the grounds that Defendants previously received a one-week extension of time for the opposition letter. Plaintiffs, however, will not be prejudiced by the additional, brief one-week extension. And counsel for Plaintiffs does consent to the request for an adjournment of the conference.

I thank the Court for its consideration of the within.

Respectfully submitted,

s/

Philip S. Frank
Assistant Corporation Counsel

cc: All counsel (via ECF)